

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
V.)	NO. 09-CR-10017-GAO
)	
TAREK MEHANNA)	
_____)	

**DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL AT THE CLOSE OF
ALL OF THE EVIDENCE**

I. Introduction

The defendant, Tarek Mehanna, moves under Rule 29(a) of the Federal Rules of Criminal Procedure that this Court grant him a judgment of acquittal on all charges against him.

II. Standard

Pursuant to Rule 29(a), the defendant may move for a judgment of acquittal after the close of all evidence. Fed. Rule Crim. Pro. 29(a). Rule 29(a) provides, in pertinent part, that "the court on the defendant's motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction." The First Circuit has defined the legal standard for such a motion as follows:

A motion for judgment of acquittal is only granted if the evidence and all reasonable inferences to be drawn from the evidence, both taken in the light most favorable to the government, are insufficient for a rational factfinder to conclude that the prosecution has proven, beyond a reasonable doubt, each of the elements of the offense.

United States v. Upton, 559 F.3d 3, 10 (1st Cir. 2009) (quoting United States v. Pimental, 380 F.3d 575, 583 (1st Cir. 2004) (internal quotations omitted)).

III. Charges

The defendant faces the following seven charges:

Count 1: Conspiracy to Provide Material Support or Resources to a Designated Foreign Terrorist Organization in violation of 18 U.S.C. § 2339B;

Count 2: Conspiracy to Provide Material Support to Terrorists in violation of 18 U.S.C. § 2339A;

Count 3: Providing and Attempting to Provide Material Support to Terrorists in violation of 18 U.S.C. § 2339A;

Count 4: Conspiracy to Kill in a Foreign Country in violation of 18 U.S.C. § 956;

Count 5: Conspiracy to make false statements under 18 U.S.C. § 1001, in violation of 18 U.S.C. § 371;

Count 6: False Statements in violation of 18 U.S.C. § 1001(a)(2); and

Count 7: False Statements in violation of 18 U.S.C. § 1001(a)(2).

The defendant submits that the government has not produced sufficient evidence to prove beyond a reasonable doubt each element of each of the above offenses.

IV. Argument

The defendant reserves argument for the hearing on this motion. The defendant also renews all claims presented in his previous written and oral motions, including but not limited to, claims raising First Amendment, vagueness, overbreadth, due process, scope of the conspiracy, and variance objections. Any argument on this motion does not waive any of these claims.

In particular, the evidence concerning translations, dissemination of videos and independent advocacy in support of jihad cannot be the basis of this verdict. The defendant requests a ruling of law on this point.

Finally, the government has not provided sufficient evidence that the false statements were material or that they actually obstructed an investigation of a federal crime of

terrorism.

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Dated: December 14, 2011

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

/S/ J. W. Carney, Jr.
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